

Except that the list does not include any fruits which have been canned, or frozen below -17.8°C (0°F);

(b) Soil within the drip line of plants which are producing or have produced the fruits listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraph (a) or paragraph (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mexican fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

§ 301.64-3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which the Mexican fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mexican fruit fly is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area.

Written notice of such designation shall be given to the owner or person in possession of such nonregulated area, and, thereafter, the interstate movement of any regulated article from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

CALIFORNIA

Los Angeles County. That portion of Los Angeles County in the Boyle Heights area bounded by a line drawn as follows: Beginning at the intersection of Interstate Highway 101 and Alvarado Street; then northeast along Alvarado Street to Sunset Boulevard; then southeast along Sunset Boulevard to Echo Park Avenue; then northeast along Echo Park Avenue to Morton Avenue; then northeast along Morton Avenue to Morton Place; then southeast along Morton Place to Academy Road; then east along Academy Road to State Highway 110; then northeast along State Highway 110 to Via Marisol Avenue; then east along Via Marisol Avenue to Monterey Road; then south along Monterey Road to Huntington Drive; then northeast along Huntington Drive to Poplar Boulevard; then east along Poplar Boulevard to Fremont Avenue; then south along Fremont Avenue to Interstate Highway 10; then east along Interstate Highway 10 to Atlantic Boulevard; then south along Atlantic Boulevard to Newmark Avenue; then east along Newmark Avenue to Garfield Avenue; then south along Garfield Avenue to Slauson Avenue; then west along Slauson Avenue to Eastern Avenue; then south along Eastern Avenue to Gage Avenue; then west along Gage Avenue to Interstate Highway 710; then south along Interstate Highway 710 to Florence Avenue; then west along Florence Avenue to Central Avenue; then north along Central Avenue to Slauson Avenue; then west along Slauson Avenue to Interstate Highway 110; then north along Interstate Highway 110 to Jefferson Boulevard; then northwest along Jefferson Boulevard to Hoover Street; then north along Hoover Street to Alvarado Street; then northeast along Alvarado Street to the point of beginning.

TEXAS

Cameron County. The entire county.
Hidalgo County. The entire county.

Willacy County. The entire county.

[48 FR 54580, Dec. 6, 1983, as amended at 49 FR 33992, Aug. 28, 1984; 50 FR 14087, Apr. 10, 1985; 55 FR 27181, July 2, 1990; 55 FR 42699, Oct. 23, 1990; 55 FR 47738, Nov. 15, 1990; 56 FR 46108, Sept. 10, 1991; 57 FR 522, Jan. 7, 1992; 57 FR 10974, Apr. 1, 1992; 58 FR 219, Jan. 5, 1993; 58 FR 64103, Dec. 6, 1993; 59 FR 51840, Oct. 13, 1994; 61 FR 2392, Jan. 26, 1996; 61 FR 38354, July 24, 1996; 62 FR 44202, Aug. 20, 1997; 62 FR 61214, Nov. 17, 1997]

§301.64-4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.

Any regulated article may be moved interstate from any regulated area in a quarantined State into or through those areas listed in §301.64(b) of this subpart only if moved under the following conditions:³

(a) With a certificate or limited permit issued and attached in accordance with §§301.64-5 and 301.64-8;

(b) Without a certificate or limited permit, if:

(1) Moved to any State not listed in §301.64(b) or

(2)(i) Moved directly through (moved without stopping except under normal traffic conditions, such as for traffic lights or stop signs) any regulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent the introduction of the Mexican fruit fly (such as canvas, plastic, or closely woven cloth), and

(ii) The article originated outside of any regulated area, and

(iii) The point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

[48 FR 54580, Dec. 6, 1983, as amended at 57 FR 522, Jan. 7, 1992]

§301.64-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1)(i) Determines that it has been treated under the direction of an in-

spector⁴ in accordance with §301.64-10; or

(ii) Determines based on inspection of the premises of origin that the premises are free from the Mexican fruit fly and the article has not been exposed to Mexican fruit fly; or

(iii) Determines based on inspection of the article that it is free from Mexican fruit fly; and

(2) Determines that it is to be moved in compliance with any additional emergency conditions necessary to prevent the spread of the Mexican fruit fly pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd);⁵ and

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

(b) A limited permit shall be issued by an inspector for the movement of a regulated article if such inspector:

(1) Determines, in consultation with the Deputy Administrator, that it is to be moved to a specified destination for specified handling, utilization, processing, or for treatment in accordance with §301.64-10 (such destination and other conditions to be specified on the limited permit), when, upon evaluation of all of the circumstances involved in each case, it is determined that such movement will not result in the spread of the Mexican fruit fly because life stages of the pest will be destroyed by such specified handling, utilization, processing, or treatment;

⁴Treatments shall be monitored by inspectors in order to assure compliance with the requirements in this subpart.

⁵Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as he deems appropriate, any product or article of any character whatsoever, or means or conveyance, which is moving into or through the United States or interstate, and which he has reason to believe is infested or infected by or contains any such plant pest.

³Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.